

## IPMI Comments on GPhC Draft Rules Consultation

**Please indicate all the countries to which your comments relate**

UK England & Scotland

Responding on behalf of an organisation

**Country of Qualification** UK

**Area of Work**

Other – Professional support organisation for managers

**Organisation**

Other – Professional support organisation for managers

### Rules

#### Common questions to all five Rules

- 1 Do you think that these draft rules set out the necessary provisions in a clear and comprehensive manner?  
**Largely Agree subject to comments in response to 5 below**
- 2 Do you think that these draft rules are written within the scope of the powers of the Order?  
**Agree**
- 3 Do you think that there are any equality considerations that should be integrated into these draft rules?  
**Don't know or understand the question or the options of agree or disagree to this question - surely these issues have been included already.**
- 4 Do you think that these draft rules contain adequate protection for patients and the public?  
**Agree, but there is perhaps not enough protection for professionals in Rules for Statutory Committees and in Fee levels which will deter registrants from spending money to join professional organisations to their and the publics detriment.**
5. Do you have any other comments about these rules that you would like us to consider?  
**Yes see below**

## 1 Fees

We support the proposals for the Registrar to have the power to waive fees, in whole or in part, and in specified circumstances to allow fee payments by instalments. [The instalment arrangement seems to be mentioned in Registration and not here]

We also support the rolling system of registration, whereby GPhC registration can come up for renewal at any stage throughout the year.

The proposed application fee of £203 plus an initial entry fee of £202 seems excessive for a new registrant to have to pay, especially as the double fee does not apply to premises for the identical process (suggested by para 1.7 of the consultation document). A 100% increase in the cost of first registration seems unfair and excessive. It will mean that few will be able to afford a further £200 to join their professional body. This would not be in their or the public interest.

The premises fee appears to be a once only payment, and is set at a low level compared with registrants fees, given the level of income generated by a business compared to a part time salary. We would suggest that an annual premises contribution is required to offset lower registrant's fees and it should more fairly reflect business income levels. Charges for premises inspections should be considered so that those requiring several should be penalised for this.

## 2 Registration

We support the ability of the Registrar to waive fees and suggest that some accommodation is required for newly qualified registrants. We also support the idea of payment by instalments and direct debit

We support the non-disclosure of addresses, though some facility to allow for former student reunions or passing on letters or emails say from pharmacy bodies to their members would also be beneficial. We find that members may not inform us of address changes and we are unable to trace them. Though we know they are still registered. In the past RPSGB used to offer help in this regard.

The idea of paying fees two months before registration expires is excessive. One month should allow for registration to be re-affirmed.

Proposals for a certificate of enhanced disclosure from the Criminal Records Bureau do not cover Scottish arrangements which operate through **Disclosure Scotland**.

We suggest an additional requirement for restoration to the statement "specify whether A has any criminal convictions or police cautions which have not previously been notified to the Council or, prior to [ ] 2010, to the Royal Pharmaceutical Society of Great Britain, " **and any pending prosecutions for serious crimes**.

The premises registration appears not to identify an owner or person who acts for the owner in meeting their obligations. Is that thought to be the applicant, as this may not be the case.

There appears to be no way of identifying if any owners or partners have been disqualified from being a company director.

## 3 Appeals

No Comments.

## 4 Statutory Committees

We support the proposal for a single fitness-to-practise committee will replace the Society's separate health and disciplinary committees and deal with all fitness-to-practise allegations.

There are two rules which require some attention.

**14 Power to co-opt members of statutory committees says the** following persons may not be co-opted as a member of a statutory committee

**We suggest that you add cohabiters to this list as shown**

Any partner, **or cohabiter** of any of

- (a) a member of the Council;
- (b) a member of another statutory committee;
- (c) a member of the Appointments Committee; and
- (d) an employee of the Council

It perhaps needs to be spelt out more clearly that members can be from other professions as a positive statement rather than just indicating they are not to be from another health or social care profession.

**16 The composition of statutory committees at particular meetings or hearings**

After the number of registrant members who are members of that formation of the Committee does not exceed the number of lay members by more than one.

On the two occasions it says this for correct balance

**To achieve this correct balance we suggest there should be corresponding statements that the number of lay members who are members of that formation of the Committee does not exceed the number of registrant members by more than one.**

There are advantages in having more than one pharmacist sitting at each hearing of the relevant statutory committee bearing in mind the seriousness in terms of consequence to a registrant's future livelihood.

We would advise that the lay chairman be legally qualified. Current experience shows there is much to be gained when resolving questions of law in having a suitable qualified barrister, QC or Judge. To have to adjourn and refer matters of law to a legal adviser on each occasion would be cumbersome, time-consuming and expensive.

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## 5 Fitness to Practice

Rule 8.3 c says allegations must be made to capable of verification by someone else independently if the informant does not take part in the consideration of the allegation. In cases of a nature where an informant would not wish to be identified such as a whistleblower who could lose their job then **they should be allowed anonymity.**

Regarding timelines

We have experience of long time delays in progressing statutory processes because of police involvement and uncertainty of who is to take the lead. It is important for the professional processes to run with or even where helpful to the police, ahead of court proceedings as otherwise a time delay of years may occur.

*Background*

*One Institute member experienced a 5 year delay between him reporting a fraud offence and the registrant being struck off. Because of the complexity of the case only a few specimen cases totaling £100 or so were heard in court leading to a small fine when total offences led to a claim for a 6 figure payback. On that occasion the Fraud squad had asked the RPSGB should take the lead to help bring clarity to the case as the GDC had done in a similar dental case, but RPSGB refused.*